

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION

HERMAN SAUNDERS, #73747

PETITIONER

VERSUS

CIVIL ACTION NO. 2:06cv087KS-JMR

WALTER BOOKER AND JIM HOOD

RESPONDENTS

ORDER

The court is in receipt of the petitioner's response [5-1] wherein he states that he wishes to dismiss the instant petition because he has presented the claims of the instant habeas petition to this court in a separate habeas petition, *Saunders v. Sparkman*, 2:02cv558KS-RHW (S.D. Miss.) and the appeal of that petition is now pending before the United States Court of Appeals for the Fifth Circuit, *Saunders v. Sparkman*, No. 6-60264 (5th Cir. filed February 27, 2006).

The court is of the opinion that the petitioner's request that this instant habeas petition be dismissed is well taken and should be granted. Accordingly, this cause is hereby **dismissed** without prejudice.

SO ORDERED this the 20th day of June, 2006.

s/ John M. Roper
CHIEF MAGISTRATE JUDGE